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**TITLE 327 WATER POLLUTION CONTROL DIVISION**

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**IC 13-14-9.5-1.1 NOTICE OF REVIEW OF NONEXPIRING RULES**

LSA Document #15-286

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9.5-1](#) provides that chapter 9.5 does not apply to "a rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions." Therefore, those rules are not subject to this notice of readoption; however, for the reader's information, a list of exempt rules is included in this notice.

**IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW**

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. The listed rules at:

- (1) [327 IAC 2-1](#) concern water quality standards rules required under the Clean Water Act (CWA) in order for the state to have delegation for the National Pollutant Discharge Elimination System (NPDES) program;
- (2) [327 IAC 5-2](#) establish basic NPDES rules required under the CWA;
- (3) [327 IAC 5-17](#) establish definitions for the pretreatment program; and
- (4) [327 IAC 15-13](#) and [327 IAC 15-14](#) concern rules for the general permit program that allows a streamlined manner of permitting for categories of dischargers that are similar enough that individual permits are not needed.

The CWA is the authority for water quality standards, NPDES, and pretreatment rules. Because of the variability of waters across the nation, the federal regulations under the CWA do not specify exact standards for the states but do require the states to establish standards that are federally reviewed and approved in order for a state to have delegation to conduct the NPDES program for the state. Indiana is a delegated state and, as such, the water quality standards, NPDES, and pretreatment rules have been federally approved. The NPDES General Permit System rules are permissible under the CWA but are not required. However, as general permits are a simplified version of NPDES permitting for those categories of dischargers in one geographic area with the same or substantially similar types of operations with similar operational and monitoring requirements, they are an effective and efficient permitting tool desired by the various categories of dischargers for which general permits are established.

These rules are authorized under [IC 13-18-3-2\(a\)](#) and [IC 13-18-3-11](#).

**LIST OF RULES THAT DO NOT EXPIRE**

The following is a list of rules in 327 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

<a href="#">327 IAC 2-1-8.7</a>	Determination of bioconcentration factor
<a href="#">327 IAC 5-2-9</a>	Notification requirements for toxic pollutants
<a href="#">327 IAC 5-17</a>	Definitions; Pretreatment Rules
<a href="#">327 IAC 15-13</a>	Storm Water Run-Off Associated with Municipal Separate Storm Sewer System Conveyances
<a href="#">327 IAC 15-14</a>	On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District

**LIST OF EXEMPT RULES**

This is a list of rules in 327 IAC to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC](#)

[13-14-9.5-1](#). This list of exempt rules is provided for informational purposes only. The following rules are exempt from [IC 13-14-9.5](#):

<a href="#">327 IAC 5-16</a>	General Provisions
<a href="#">327 IAC 5-18</a>	Applicable Pretreatment Standards and Other Pretreatment Requirements
<a href="#">327 IAC 5-19</a>	POTW Pretreatment Programs
<a href="#">327 IAC 5-20</a>	Removal Credits
<a href="#">327 IAC 5-21</a>	Industrial Wastewater Pretreatment Permit Program
<a href="#">327 IAC 8-2</a>	Drinking Water Standards
<a href="#">327 IAC 8-2.1</a>	Consumer Confidence Reports
<a href="#">327 IAC 8-2.3</a>	Ground Water Rule
<a href="#">327 IAC 8-2.5</a>	Disinfectants and Disinfection
<a href="#">327 IAC 8-2.6</a>	Enhanced Filtration and Disinfection

## REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on the nonexempt rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #15-286 2015 Title 327 Rule Review  
MaryAnn Stevens  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Mail Code 65-41  
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to [mstevens@idem.in.gov](mailto:mstevens@idem.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

## COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than October 2, 2015. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana).

Nancy King, Chief  
Rules Development Branch  
Office of Legal Counsel

## [Notice of Public Hearing](#)

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An [html](#) version of this document.